

that of social progress; his political moderation and temperament present an outstanding example of how to work within the constitutional system to effect positive change. I extend my condolences to his family.

I ask that a New York Times article on the landmark remapping case be printed in the RECORD.

The article follows:

[From the New York Times]

CHARLES GOMILLION, 95, FIGURE IN LANDMARK REMAP CASE, DIES

(By Robert McG. Thomas, Jr.)

Charles G. Gomillion, who led the fight that brought political power to the black majority in Tuskegee, Ala., with the assistance of a landmark Supreme Court case that bears his name, died on Oct. 4 at a hospital in Montgomery, Ala. He was 95 and until his recent return to Tuskegee had lived the last 25 years in Washington and Roebling, N.J.

Mr. Gomillion, a native of Edgefield, S.C., had a long and distinguished career as a sociology professor and dean at Tuskegee University, but it was his role as a civic leader that made Charles Goode Gomillion a footnote to constitutional legal history in 1960.

As the president of the Tuskegee Civic Association, an organization he had helped found in 1941, he was the lead plaintiff in a suit that successfully challenged a blatant act of gerrymandering designed to exclude all but a handful of black voters from municipal elections.

Alarmed by a voter registration drive led by Mr. Gomillion's organization, the Alabama Legislature redrew the town's boundaries in 1957, leaving Tuskegee University and all but a handful of black families outside the city limits.

What had been a perfect square was now a 28-sided figure that some likened to a snake and others to a sea dragon. Whatever the trope, the lines had been so skillfully drawn that although as many as 12 black voters remained inside a city that once had 5,400 black residents, not a single one of the city's 1,310 white residents had been excluded.

Mr. Gomillion and 11 other association members filed Federal suit seeking to bar Mayor Philip M. Lightfoot and other city officials from enforcing the state statute on the ground that it was a transparent effort to circumvent the 15th Amendment's voting guarantees. Two lower courts, citing a 1946 Supreme Court opinion by Justice Felix Frankfurter, ruled that such state action was beyond judicial review.

When the case, *Gomillion v. Lightfoot*, came before the Supreme Court in 1960, Justice Frankfurter, describing the new configuration as "an uncouth 28-sided figure," found otherwise and so did all eight of his colleagues.

Deftly distinguishing *Gomillion*, from the 1946 case, which involved Congressional districts of unequal population in Illinois, Justice Frankfurter said the Tuskegee case involved "affirmative action" by legislature that "singled out a readily isolated segment of a racial minority for special discriminatory treatment."

He and seven other justices said that a statute that had the effect of disenfranchising black voters would be a violation of the 15th Amendment. Justice Charles E. Whittaker, suggesting that there would be no disenfranchisement since the excluded former Tuskegee residents could vote in county elections said it would instead be a violation of the 14th Amendment.

The case was sent back to District Court and the next year Judge Frank M. Johnson Jr. declared the statute was indeed unconstitutional.

The former city limits were restored and within years the black majority has taken over both the city and county governments, much to the consternation of Mr. Gomillion, who served for a while on the school board.

A soft-spoken moderate who had worked quietly to enlist the support of liberal-minded white allies in Tuskegee, he was dismayed when a plan to integrate local schools was sabotaged by Gov. George C. Wallace. The Governor ordered the schools closed, creating such rancor that white residents created a private school, black radicals swept Mr. Gomillion and other moderates aside and in turn white families fled. Today, only a handful of white families remain in Tuskegee.

As his dream of a truly integrated community, with black and white leaders working together for the common good, died, Mr. Gomillion, who retired from Tuskegee in 1970, left, too.

Although his moderate approach was rejected by a majority of the black voters, at least one of the former radicals now regrets it.

"The man was right," Otis Pinkard said yesterday, recalling that he had once led the faction that opposed the Gomillion approach. "We should not have run all the white families out of town."

Mr. Gomillion is survived by a daughter, Gwendolyn Chaires of Roebling; three grandchildren; three great-grandchildren, and one great-great-grandchild. •

ON THE RETIREMENT OF LAUREN F. OTIS

• Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to Lauren F. Otis, who retired Thursday, November 30, 1995, after 28 years of dedicated service to the city of New York's department of city planning.

Mr. Otis has been with the department of city planning since 1967, the last 11 as chief urban designer. In this capacity, he has acted as a consultant to the chairman and the city planning commission on a variety of urban matters while developing comprehensive studies of the five boroughs of New York City as an overall framework for individual projects. Prior to becoming the chief urban designer, Mr. Otis was a key member of a team of architectural professionals who developed new zoning and regulatory approaches for the development of Midtown Manhattan and the Wall Street area. Some of his individual urban design highlights include Times Square, the Citicorp Center and the Sliver Building zoning amendment.

A graduate of Harvard College and Harvard University School of Design, Mr. Otis served in the U.S. Navy Civil Engineer Corps from 1955-58 before moving to architectural design, working as a staff architect for I.M. Pei & Partners before joining the city of New York.

In addition to Mr. Otis' work in the department of city planning, his patronage of New York City's cultural spirit as mayor's representative to the New York City Art Commission between 1982 and 1992, the last 7 years as vice president, and as a representative to the New York City Historic Properties Fund deserves recognition.

Mr. President, I hope my colleagues will join me in wishing him the best of luck in his much deserved retirement. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

SOCIAL SECURITY DISABILITY WAITING PERIOD

• Ms. MIKULSKI. Mr. President, I rise today to make my colleagues aware of a very unfortunate situation involving Social Security disability benefits.

In our law, there is a 6-month waiting period before a Social Security disability applicant can receive payments. If a person is diagnosed with a deadly disease, and is eligible to receive Social Security disability, that person must wait 6 months before the payments arrive. This waiting period often comes at a time in a person's life when treatment must begin immediately. Many of these people simply cannot afford to wait. Far too often, the results of this forced waiting period are financial devastation for families.

One of my Maryland constituents, Mitchell Berman, was stricken by a terrible illness which required full-time care in a nursing home. Mr. Berman and his wife, Marjorie, were forced to sell nearly everything they owned to cover the health care costs. By the time Mr. Berman's payments began to arrive, it was too late; they had spent much of their life's savings. Mr. Berman's disease was not curable, and I am very sorry to say that he has died.

To honor the memory of her husband, Marjorie Berman has started her own crusade to make lawmakers and families aware of the financial effect the waiting period can have. I salute Marjorie Berman for her courage and her steadfast devotion to her husband.

Earlier this year, I encouraged the Senate Finance Committee to explore this issue. In today's political climate, I know that funding for many programs is being cut back and eligibility for some programs is being tightened.

But I encourage my colleagues to take a close look at this issue and ask if the Social Security disability waiting period is serving a useful Government purpose and responding to the needs of people. I also ask my colleagues to listen to the stories of their own constituents who have been affected by this waiting period and have not been able to get the help when they need it. I think my colleagues will find that the waiting period does not serve the needs of people. •

THE PROS KNOW WHY PRISON FAILS

• Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to an op-ed written by Coleman McCarthy in the September 9, 1995, Washington Post.

In discussing prison policies, Mr. McCarthy draws an important distinction between professional and amateur

opinions. No matter how we like to flatter ourselves, Members of Congress are amateurs when it comes to understanding what works to reduce crime. The professionals are the people who work in prisons and the criminal justice system every day. Unfortunately, it is the amateurs who get to set policy, and, according to the professionals, we are doing a lousy job.

One year ago, I sponsored a survey of prison wardens asking for their views on our criminal justice and prison policies. Eight-five percent of the wardens said that most politicians are not offering effective solutions to crime. Instead of building more prisons and passing mandatory minimum sentencing laws, the wardens overwhelmingly favored providing vocational—92 percent—and literacy—93 percent—training to prisoners, and 89 percent support drug treatment programs in prisons. Congress has been quick to defund these programs, and pour scarce resources into prison construction, in the rush to be tough on crime.

The reality is that most prisoners will at some point be released, and our goal should be to ensure that those released from prison do not return to a criminal lifestyle. The Huron House in Michigan, a community-based alternative sentencing program which Mr. McCarthy refers to in his piece, costs less and is more effective at reducing recidivism than prisons.

In setting prison policies, we need to be more focused on what works. The best way to find out is to consult the professionals.

I ask that the full text of the op-ed be printed in the RECORD.

The material follows:

THE PROS KNOW WHY PRISONS FAIL

(By Coleman McCarthy)

PORT HURON, MICH.—Robert Diehl, who works with prisoners, believes it's time to get tough on crime. How? To begin with, not by longer sentences, not by building more prisons and not by agreeing with California Gov. Pete Wilson, who announced his presidential candidacy with the preachment that he'll "appoint judges who know that it's better to have thugs overcrowding our jails than overcrowding your neighborhood."

Diehl's philosophy of toughness involves the arduous and complex work of rescuing people with messed-up lives. He is the director of Huron House, a nonprofit, community-based alternative sentencing program for felony offenders. The three-story, 30-bed facility—located on a residential street in this small lakeshore community 60 miles north of Detroit—provides intensive 24-hour supervision and comprehensive services ranging from job training and job placement to mental health and drug counseling.

It isn't blind faith, much less addled thinking, that keeps Diehl going. In the 15 years he's been with Huron House, which opened in 1979, fewer than one in five men and women in the program has committed a new crime. The recidivism rate for the imprisoned is two out of three. It's \$50 a day to cage a person in a Michigan prison, as against \$35 a day to supervise a resident at Huron House.

In his office last week, Diehl, 53, described the futility of the current panic-button solutions to crime mouthed by one Pete Wilson or another: "Michigan has been trying to

build its way out of the crime problem for the past 12 years. We now have three times as many people in our prisons as 12 years ago. It doesn't work. There's been no reduction of crime, and there's no more perception of safety among our citizens. And prisoners' lives are not being changed for the better."

The public faces a choice: Does it want to follow the counsel of such corrections officials as Diehl or place its trust in politicians who advocate spending money on chain gangs, boot camps, three strikes, death rows, mandatory sentencing—and investing less or no money in inmate education or job programs.

The choice was rarely more stark than a few weeks ago, when two groups met—one in Cincinnati, the other in Washington—to offer prescriptions for fighting crime. One group was the professionals, the other amateurs.

The pros were people who run the nation's prisons and jails and who belong to the 20,000-member American Correctional Association (ACA). The amateurs were such members of the Senate as Texas Republican Kay Bailey Hutchison, testifying before a Senate Judiciary Committee hearing on prison reform.

At the ACA conference in Cincinnati, those who toil behind the walls told of the frustration of doing politicians' dirty work and knowing all the time that longer sentences and meaner bastilles are counter-productive.

They listened to corrections officials who detailed the facts on how recidivism is reduced through community programs like Huron House and how the payoffs for public safety are in combinations of education, employment, drug treatment and punishment—not punishment alone.

Few people are wearier of quick-fix politicians than corrections professionals. Bobbie L. Huskey, the ACA president, states categorically that an "overwhelming consensus" exists among wardens that "incarceration, in and of itself, does little to reduce crime or have a positive impact on recidivism." Huskey cites a poll conducted by the Senate Judiciary subcommittee on the Constitution in which 85 percent of the wardens surveyed said that most politicians are not offering effective solutions to crime. Ninety-three percent favor literacy and other educational programs, 92 percent vocational training and 89 percent are for drug treatment.

While the professionals who know struggle on, the amateurs who don't keep popping off. At the Judiciary Committee hearings in late July, Sen. Hutchison accused federal courts of creating "comfort and convenience" for criminals in prisons. That was news to the wardens.

In addition to criminal recidivists, it appears that we now have politician recidivists: the Wilsons and Hutchisons who lapse, relapse and relapse again into deadend thinking. Maybe they need a brief stretch at Huron House. •

LEGALIZED GAMBLING

• Mr. LUGAR. Mr. President, I would like to take this opportunity to inform my Senate colleagues on the progress of important legislation moving through Congress that addresses the issue of legalized gambling in America.

Legalized gambling today is proliferating at breathtaking speed, touching the lives of millions of Americans. Communities across the country are considering casinos, riverboat gambling, pari-mutuel racing, off-track betting, and other forms of wagering.

Whereas only 2 States offered casino gambling in 1988, today 23 States have authorized casinos to operate. Overall, 48 States now permit some form of legalized gambling.

A steady stream of news accounts have chronicled the recent growth and expansion of gambling activities in America. Many of these stories describe the enormous profits generated almost overnight by gambling enterprises. Questions are being asked about decisions by State and local leaders to legalize gambling. People are concerned not only about the economic costs of these decisions, but of the human costs as well.

The Wall Street Journal, recently reported that some New Orleans public officials, retailers, and citizens are having second thoughts about the economic impacts of bringing riverboats, casinos, and video poker machines to Louisiana. The New York Times related the personal experiences of local residents in cities and towns across America who visit a casino instead of a restaurant or ballpark, who spend their grocery money on a nearby instant-play video lottery game, or who exhaust their personal or family savings at the casino tables.

In the face of this explosive growth, I joined Senator SIMON last April in support of legislation to establish a national commission to conduct an 18-month study on the effects of gambling. This measure, S. 704, would provide State and local governments with an objective, authoritative resource to use as a basis for making informed choices about gambling. S. 704 does not propose to further regulate gambling activities or to increase taxation of gambling revenues. The bill has been endorsed by the President and enjoys bipartisan support in the Senate with a total of 11 cosponsors, including Senators GORTON, KYL, LIEBERMAN, GRASSLEY, WARNER, FEINSTEIN, HATFIELD, KASSEBAUM, HATCH, and COATS.

The Governmental Affairs Committee on November 2 conducted a hearing on S. 704. Senator SIMON and I testified before the committee along with several other Members of Congress and outside experts concerned about this important issue. I am hopeful the committee will approve this important legislation before the conclusion of this session.

Companion legislation was introduced in the House of Representatives by Congressman WOLF of Virginia. The House Judiciary Committee held hearings on Representative WOLF's bill, H.R. 497, and approved the measure by voice vote on November 8. Prospects are good for passage by the full House during the 104th Congress.

The Washington Post, in a September 22, 1995, endorsement of the gambling study commission proposal, stated that,

Those pushing casinos into communities make large claims about their economic benefits, but the jobs and investment casinos create are rarely stacked up against the jobs